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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT

Docket Number (Optional)  
38644-175286

Re Application of: Arthur A. Branstrom et al.

Application No. 08/711,961

Filed: September 6, 1996

For: BACTERIAL DELIVERY SYSTEM

The owner\*, Government of the United States, as represented by the Secretary of the Army of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,824,538. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney of record.

Elizabeth Arwine

Signature

9/3/03

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ELIZABETH ARWINE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BRANSTROM et al.

Appl. No. 08/711,961

Filed: September 6, 1996

For: BACTERIAL DELIVERY SYSTEM

Art Unit: 1636

Examiner: I. Yucel

Atty. Docket No. 38644-175286

Customer No.

**\*26694\***

PATENT TRADEMARK OFFICE

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Sir:

Enclosed is a Terminal Disclaimer for the above-identified patent application.

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Respectfully submitted,

Ann S. Hobbs, Ph.D.  
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Venable Filing Number



Attorney: Ann S. Hobbs

PTO Due Date: October 17, 2003

Date Filed:

TM Official Gazette Date:

Atty. Docket No: 38644-175286

Re: Branstrom et al.

Application No: 08/711,961

Patent No.:

Trademark:

Opposition/Cancellation No:

Filing Date: September 6, 1996

Issue Date:

Trademark Reg. No:

The following items were received from Venable, Washington, D.C., by the U.S. Patent &amp; Trademark Office:

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<input type="checkbox"/> Transmittal Letter	Filing Fee
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<input type="checkbox"/> Response	TM Extension of Time Fee
<input type="checkbox"/> <input type="checkbox"/> Amendment/ <input type="checkbox"/> Preliminary Amendment	
<input type="checkbox"/> Petition/Request for Extension of Time (two mo. ext.)	
<input type="checkbox"/> Notice of Appeal	
<input type="checkbox"/> Appeal Brief ( <i>in triplicate</i> )	
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<input type="checkbox"/> Confirmation of Hearing Petition	
<input type="checkbox"/> Issue Fee Transmittal and publication fee	
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<input type="checkbox"/> Petition to Revive	
<input type="checkbox"/> Sequence Listing – CDR Enclosed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
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<input type="checkbox"/> TM Statement of Use	
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